

Appl. No. 09/886,831
Atty. Docket No. 8592
Amdt. Dated October 14, 2004
Reply to Final Office Action of July 14, 2004
Customer No. 27752

REMARKS

Claims 7, 10-13, and 25-29 are pending in the instant application. Claims 1-6, 8-9, and 14-24 have been cancelled.

Rejection Under 35 USC 103

Claims 1, 3-7, 10-13, and 21-29 have been rejected under 35 USC 103(a) as being unpatentable over Benson, et al. (U.S. Patent No. 5,628,097) in view of Shimalla (U.S. Patent No. 4,588,630) and further in view of Trinh, et al., U.S. Patent No. 5,429,628). Applicants respectfully traverse this rejection.

Applicants have cancelled all claims in which a central layer of non-thermoplastic material was not required. Therefore, Claim 1 and all dependent claims from Claim 1 which only required that a non-thermoplastic be a powdered, granular, particulate, or gel substance, have been cancelled. As the Examiner stated in the Office Action, Benson et al. and Shimalla disclose non-thermoplastic particles. The remaining claims all require that **a central layer which is a non-thermoplastic material be present**.

Claims 7 and 29 require that a non-thermoplastic central layer containing a substance is disposed between a first and second webs. Neither Benson nor Shamalla teaches or suggests a **non-thermoplastic central layer** be disposed between the layers of a nonwoven laminate web. Benson and Shimalla do not teach or suggest the joining of materials other than **thermoplastic** nonwovens or films which would form the central layer. Therefore, one having ordinary skill in the art would not have been motivated by Benson taken in light of Shamalla to develop the present invention.

Conclusion


In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing,

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Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 7, 10-13, and 25-29.

Respectfully submitted,
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